

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference DSH003	<div style="display: flex; justify-content: space-between;"> <div>FOR FURTHER ACTION</div> <div>See Form PCT/IPEA/416</div> </div>	
International application No. PCT/NZ2004/000337	International filing date (day/month/year) 23 December 2004	Priority date (day/month/year) 23 December 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. <div style="display: flex; justify-content: space-around;"> <i>B65D 88/26</i> (2006.01) <i>B65D 88/54</i> (2006.01) <i>B65G 47/19</i> (2006.01) </div>		
Applicant DSH SYSTEMS LIMITED et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of 3 sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:	<div style="margin-left: 20px;"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. </div>
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/> Box No. I <input type="checkbox"/> Box No. II <input type="checkbox"/> Box No. III <input type="checkbox"/> Box No. IV <input checked="" type="checkbox"/> Box No. V <input type="checkbox"/> Box No. VI <input type="checkbox"/> Box No. VII <input type="checkbox"/> Box No. VIII	Basis of the report Priority Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Lack of unity of invention Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement Certain documents cited Certain defects in the international application Certain observations on the international application

Date of submission of the demand 30 May 2005	Date of completion of this report 03 January 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer ASANKA PERERA Telephone No. (02) 6283 2373

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NZ2004/000337

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-14 as originally filed/furnished
- pages* received by this Authority on _____ with the letter of _____
- pages* received by this Authority on _____ with the letter of _____
- ☒ the claims:
- pages _____ as originally filed/furnished
- pages* as amended (together with any statement) under Article 19
- pages* 15-19 received by this Authority on 18 November 2005 with the letter of 18 November 2005
- pages* received by this Authority on _____ with the letter of _____
- ☒ the drawings:
- pages 1/5-5/5 as originally filed/furnished
- pages* received by this Authority on _____ with the letter of _____
- pages* received by this Authority on _____ with the letter of _____

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-19	YES
	Claims	NO
Inventive step (IS)	Claims 1-19	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-19	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The cited prior art in the International Search Report do not disclose or fairly suggest an apparatus, a computer controlled process or a method as defined by independent claims 1, 11 and 15 respectively.

Therefore the subject matter of these claims and appended claims is new and meets the requirements of Article 33(2) PCT with regard to novelty.

The claimed invention is not obvious in the light of any of the cited documents nor is it disclosed in any obvious combination of them. It is also considered that it would not be obvious to a person skilled in the art in the light of common general knowledge either by itself or in combination with any of these documents.

Therefore the subject matter of these claims is not obvious and meets the requirements of Article 33(3) PCT with regard to inventive step.

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INTERNATIONAL SEARCH REPORT

International application No.
PCT/NZ2004/000337

A. CLASSIFICATION OF SUBJECT MATTER Int. Cl. ⁷ : B65D 88/26, 88/54, B65G 47/19 According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DWPI IPC B65D 88/54, 88/26, B65G 47/19 & keywords: hopper, valve, flow, raise and similar terms.		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Derwent Abstract Accession No. 99-296279/25, Class Q34, JP 11100091 A (TSUKISHIMA KIKAI CO LTD) 13 April 1999 Abstract	1-18
X	Derwent Abstract Accession No. 2003-883349/82, Class A31 B07 J02, JP 2003231587 A (TSUKISHIMA KIKAI CO LTD) 19 August 2003 Abstract	1-18
X	Derwent Abstract Accession No. 87-191035/27 A, Class Q31, SU 1271-789 A (KHACHATURYAN) 23 November 1986 Abstract	1-5, 9, 10, 15, 16, 18
X	Derwent Abstract Accession No. 92-165408/20, Class Q35, SU 1668257 A1 (DON POLY GORLOVO SECT) 7 August 1991 Abstract	1-5, 9, 10, 15, 16, 18
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex		
* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family	
Date of the actual completion of the international search 8 March 2005	Date of mailing of the international search report 14 MAR 2005	
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized officer JAGDISH WABLE Telephone No : (02) 6283 2638	

INTERNATIONAL SEARCH REPORT

International application No.

PCT/NZ2004/000337

C (Continuation).

DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1038802 B1 (SEMENENKO) 14 August 2002 Whole document	1-5, 9, 10, 15, 16, 18
X	GB 2256427 A (B & K ENGINEERING CO) 9 December 1992 Page 6, lines 15-22; figures 1, 2	1-5, 9, 10, 15, 16, 18
X	EP 498474 B1 (DEERE & COMPANY ET AL) 1 March 1995 Whole document	1-5, 9, 10, 15, 16, 18
X	EP 389919 B1 (DEERE & COMPANY ET AL) 4 August 1993 Whole document	1-5, 9, 10, 15, 16, 18
X	Derwent Abstract Accession No. L3095 E/34, Class Q34, SU 874497 (AGRIC CONS DES RES) 28 October 1981 Abstract	1-5, 9, 10, 15, 16, 18

INTERNATIONAL SEARCH REPORT

International application No.
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This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member					
JP	11100091						
JP	2003231587						
SU	1271789						
SU	1668257						
EP	1038802	AU	20834/00	BR	0001407	CN	1268475
		GB	2333287	GB	2348190	GB	2348636
		JP	2000335681	US	6296152		
GB	2256427						
EP	0498474	AR	247965	AU	19557/92	AU	19558/92
		AU	19559/92	AU	51226/90	BG	51431
		BR	9001379	CA	2012098	CS	9001457
		EP	0389919	EP	0498473	HU	56740
		LV	10140	PL	284483	US	5029624
		US	5060701	US	5125438	US	5224527
		US	5379812	ZA	9002314		
SU	874497						
Due to data integration issues this family listing may not include 10 digit Australian applications filed since May 2001.							
END OF ANNEX							